

ARTICLE #2

AMENDMENT #1

Hampton Zoning Ordinance Amendment Article I – General, Sections 1.2 and 1.3

~~Strikethrough~~ = Proposed Deletion

Underline = Proposed Addition

Highlighting = All Proposed Changes

Section 1.2 Reconstruction of Non-Conforming Uses

In the event of the damage or destruction by fire, storm, or Act of God of any building not conforming to the regulations of this Ordinance, said building may be rebuilt ~~for to~~ its former non-conforming use provided such construction ~~is started~~ commences within a one year of its damage or destruction and is completed within two years. ~~¶The structure shall, however, conform to the dimensional requirements of the Zoning Ordinance and to the Building Codes Ordinances and Regulations of the Town of Hampton and the State of New Hampshire, as Adopted~~ amended.

Section 1.3 Expansion, Alteration, and Abandonment of Non-Conforming Uses

The expansion of non-conforming uses and structures is prohibited. ~~and no~~ Non-conforming uses or structures ~~may~~ shall not be altered ~~for or~~ used for a purpose, or in a manner, substantially different from the use ~~to which it was put to before~~ in effect prior to alteration, ~~or to be~~ Non-conforming uses or structures shall not be permitted to revert to ~~its~~ an original non-conforming use or structure once ~~a~~ changes in to a conforming use or structure has occurred. A non-conforming use or structure shall not be reestablished after abandonment for more than two years, except so as to conform to the ~~then existing~~ current provisions of the Town of Hampton Zoning Ordinance. "Abandonment" shall be construed to include the visible or otherwise apparent intention by an owner to discontinue the use of a building or premises, or the substantial removal of the characteristic equipment or furnishings ~~used in~~ needed for the ~~performance operation~~ of a non-conforming use said building or premises. (Amended 1981)

ARTICLE #3
AMENDMENT #2

Hampton Zoning Ordinance Amendment
Article I – General, Section 1.6 Definitions - Use Change

~~Strikethrough~~ = Proposed Deletion

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Use Change: Any use of a residential or non-residential nature which is proposed to be changed to another use which is dissimilar ~~and of a non-residential nature~~ but is in conformance with the Use Regulations provided in this Ordinance. In the Town Center District, all changes of building occupancy involving any use of a non-residential nature shall require Use Change Approval from the Planning Board (see Article II, Section 2.8) regardless of similarity or not to the former use. Use Changes are also subject to the applicable provisions of the Site Plan Review and Subdivision Regulations.

ARTICLE #4
AMENDMENT #3

Hampton Zoning Ordinance Amendment

**Article II – Districts, Section 2.3.1 Purposes and
Section 2.3.2 B Definitions – Inland Wetlands**

~~Strikethrough~~ = Proposed Deletion

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Highlighting = All Proposed Changes

2.3.1 PURPOSES. In the interest of protecting the public health, safety and welfare the Wetlands Conservation District has been established to protect, preserve and prevent the despoliation and unregulated alterations of 1) tidal and inland wetlands, 2) areas of very poorly drained soils and poorly drained soils, **3) vernal pools,** and ~~3-4~~) their buffers. It is in the public interest to protect the valuable functions these areas provide such as habitat for fish, wildlife and flora, ground water protection, storm water and flood control, nutrient and pollutant filtering, recreation and aesthetic enjoyment. (Amended March 2005, March 2012)

B. “Inland Wetlands” means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. **Examples include, but are not limited to, non-tidal portions of ponds, rivers and streams.**

ARTICLE #5
AMENDMENT #4

Hampton Zoning Ordinance Amendment
Article II – Districts, Section 2.3.2 E Definitions – Buffer; Section 2.3.3 Permitted Uses D,
E; Section 2.3.4 Use Restrictions and Prohibited Uses B, D and F; and Appendix.

~~Strikethrough~~ = Proposed Deletion
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E. “**Buffer**” is the area extending:

1. fifty feet (50 ft.) out from **the boundary line of** ~~1) the any tidal or inland wetland, boundary line, and/or 2) the boundary line of~~ areas of very poorly drained soils or poorly drained soils, **and/or vernal pools** or
2. **one hundred feet (100 ft.) out from the edge of any of the following 1st through 4th order streams* or rivers: Ash Brook, Drakes River, Little River, Nilus Brook, Old River, Taylor River, and Winnicut River. *(Appendix 7 – Strahler, 1957)**

The buffer is intended to provide a natural vegetative zone between the upland and ~~the wetland~~ **any tidal or inland wetland, area of very poorly and poorly drained soils, and vernal pool** for water filtration, storm water retention, flood protection and wildlife.

2.3.3 PERMITTED USES.

A. The following uses are permitted in tidal wetlands and their buffers as defined in subsection 2.3.2 A **except for the 1st through 4th order streams (as identified in Section 2.3.2 E), whose permitted uses are set forth in Section 2.3.3 D below:**(Amended March 2012)

B. The following uses are permitted in inland wetlands and their buffers **except for the 1st through 4th order streams (as identified in Section 2.3.2 E), whose permitted uses are set forth in Section 2.3.3 D below:**

D. The following uses are permitted in the one hundred foot (100 ft.) buffer of the following 1st through 4th order streams or rivers: Ash Brook, Drakes River, Little River, Nilus Brook, Old River, Taylor River, and Winnicut River:

1. **In the first twenty-five feet (25 ft.) from the nearest edge of the stream or river (known as the Vegetated Buffer Strip):**
 - a. **the cutting of invasive species only with hand tools,**
 - b. **the application of limestone, and**

- c. the permitted uses listed below in #4 through 12.
2. Between twenty-five feet (25 ft.) and seventy-five feet (75 ft.) from the nearest edge of the stream or river (known as the Limited Cut Area):
 - a. the cutting of live trees (not related to forestry) with a diameter of four and one-half inches (4 ½ inches) or less, measured four and one-half feet (4 ½ ft.) above ground level.
 - b. cutting of invasive species.
 - c. the application of limestone, and
 - d. the permitted uses listed below in #4 through #12.
3. Between seventy-five feet (75 ft.) and one hundred feet (100 ft.) from the nearest edge of the stream or river:
 - a. the application of low phosphate, slow release nitrogen fertilizers.
 - b. cutting of invasive species, and
 - c. the permitted uses listed below in #4 through #12.
4. Forestry and tree farming may be performed provided that best management practices, including leaving all stumps intact, are used to minimize siltation and protect wildlife habitat.
5. Removal of dead, diseased or unsafe trees is permitted. Stumps and their root systems shall be left intact in the ground.
6. Agriculture, provided that best management practices are used.
7. Construction of wells for water supply and water impoundments constructed pursuant to a plan approved by the Rockingham County Conservation District.
8. By Wetlands Permit only, drainage ways as paths for normal runoff provided that they are constructed according to drainage plans, consistent with the purposes of the Wetlands Conservation District ordinance and approved by the Planning Board, in consultation with the Conservation Commission.
9. Wildlife habitat management, conservation areas and nature trails.
10. Parks and passive recreation uses consistent with the purposes set forth in Section 2.3.1.
11. By Wetlands Permit only, roads, driveways, access ways, utilities and power lines may be constructed in the Wetlands Conservation District, provided that the following conditions exist:
 - a. Proposed construction is essential to the productive use of upland outside the Wetlands Conservation District;
 - b. Design and construction methods will be such as to minimize any impact upon the site, and will include restoration of the site as nearly as possible to its original grade and vegetative condition;
 - c. An alternative with less impact, which does not cross a wetland or buffer, is not feasible;

- d. The crossing will be at the point of least impact to the Wetlands Conservation District;
- e. Applications for all necessary permits shall be made concurrently.

12. Landscaping: Providing that the Building Inspector determines that:

- f. The area to be landscaped has been previously disturbed or cleared or is maintained as a lawn or beach;
- g. The disturbed or cleared area is not being expanded;
- h. The Building Inspector is satisfied that the proposed landscaping will not be contrary to the spirit or intent of the Wetlands Conservation District Ordinance. (If the Building Inspector determines that the proposal is not consistent with the purposes of the Wetlands Conservation District, the proposed activity shall only be permitted if the landowner obtains a Wetlands Permit in accordance with the provisions spelled out in the Wetlands Conservation District Ordinance). (Amended March 2010, March 2012)

E. Other low density uses in Wetlands Conservation District as defined in this Ordinance may be undertaken only by Wetlands Permit as provided in Section 2.3.5 of this Ordinance. (Amended 1998, Amended March 2012, Amended March 2015)

2.3.4 USE RESTRICTIONS AND PROHIBITED USES

B. Except as provided in Subsections C & D below, No structure, impervious surface, parking space or building activity including dredging, filling or regrading shall be permitted within fifty feet (50') of any tidal or inland wetlands, or any area of very poorly drained soils and poorly drained soils or vernal pool, or within seventy-five feet (75 ft.) of the 1st through 4th order streams (as identified in Section 2.3.2 E). ~~except as provided in Subsections C & D of this Section.~~ Any construction, forestry and agriculture activities within one hundred feet (100 ft.) of any wetland, or any area of very poorly drained soils and poorly drained soils, shall be undertaken with special care to avoid erosion and siltation into the wetlands, or any area of very poorly drained soils and poorly drained soils. The Building Department or the Planning Board, pursuant to its Site Plan Review and/or Subdivision authority, Section 1.5 of the Town of Hampton Zoning Ordinance, may require an erosion control plan using Best Management Practices (see Appendix Number 4). (Amended 2005, March 2015)

D. Where a variance is granted that enables for building on a pre-existing lot of record, the setback may shall be in line with the setback of existing buildings within 100' (one hundred feet) on either side. Where adjacent such buildings are set back varying distances, but closer than:

1. fifty feet (50 ft.) from the wetland the boundary of any tidal wetlands, inland wetlands, or boundary of areas of very poorly drained soils and poorly drained soils, or vernal pools; or
2. one hundred feet (100 ft.) from any 1st through 4th order streams (as identified in Section 2.3.2 E),

the greater furthest setback among such buildings shall be observed apply. (Amended 2005)

F. No application of fertilizers, pesticides, insecticides, or herbicides shall occur in any tidal or inland wetlands, areas of poorly or very poorly drained soils, vernal pool, the 1st through 4th order streams as identified in Section 2.3.2 E, or their buffers, except as set forth in Section 2.3.3 D. (Amended March 2012, March 2015)

APPENDIX

Detailed descriptive materials and maps of wetlands and wetland soils and flora in the Town of Hampton are found in the following reports or their more recent revisions, which are incorporated herein by reference. (Amended 1998)

1. IDENTIFICATION, DOCUMENTATION AND MAPPING OF PRIME TIDAL WETLANDS IN THE TOWN OF HAMPTON, NEW HAMPSHIRE, prepared for the Hampton Conservation Commission and the Office of State Planning by Frank D. Richardson, Department of Botany and Plant Pathology, University of New Hampshire, 30 December 1982.
2. SOIL SURVEY OF NEW HAMPSHIRE TIDAL MARSHES, by Charles H.J. Breeding and Frank D. Richardson, New Hampshire Agricultural Experiment Station, University of New Hampshire, Durham, NH in cooperation with the U.S. Department of Agriculture. Soil Conservation Service, Research Report Number 40, October, 1974.
3. SOILS INFORMATION FOR RESOURCE PLANNING, HAMPTON, NH, April 1982, U.S. Soil Conservation Service. Reference is made to the reports of Barry H. Keith submitted to the Hampton Conservation Commission in 1980 entitled THE WETLANDS OF HAMPTON, NEW HAMPSHIRE and RESULTS, HAMPTON, NH WETLANDS SURVEY.
4. STORM WATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL HANDBOOK FOR URBAN AND DEVELOPING AREAS IN NH, New Hampshire Department of Environmental Services, Rockingham County Conservation District, USDA Soil Conservation Service, August, 1992.
5. PRIME WETLAND INVENTORY REPORT TOWN-WIDE WETLANDS INVENTORY PHASE II HAMPTON AND HAMPTON FALLS, NH, Gove Environmental Services Inc. February 6, 2006. (Adopted March 2015)
6. IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE, New Hampshire Fish and Game, 2nd Ed., 2004 (Adopted March 2015)
7. QUANTITATIVE ANALYSIS OF WATERSHED GEOMORPHOLOGY, Strahler, A.N., American Geophysical Union Transactions 38:913-920. 1957.

ARTICLE #6
AMENDMENT #5

Hampton Zoning Ordinance Amendment
Article II – Districts, Section 2.3.7 Special Provisions (C1 and C2)

~~Strikethrough~~ = Proposed Deletion

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1. A minimum of 75% of the minimum lot area required in the underlying zoning district or 30,000 square feet (whichever is less) shall be contiguous and outside of the Wetlands Conservation District. **The proposed development within the contiguous area shall not result in any permanent adverse impacts to the Wetland Conservation District.**

2. For lots that will contain more than one dwelling unit, a minimum of 75% of the minimum lot area per dwelling unit required in the underlying zoning district or 30,000 square feet per dwelling unit (whichever is less) shall be contiguous and outside of the Wetlands Conservation District. **The proposed development within the contiguous area shall not result in any permanent adverse impacts to the Wetland Conservation District.**

ARTICLE #7
AMENDMENT #6

Hampton Zoning Ordinance Amendment
Article II – Districts, Section 2.5 – Aquifer Protection District Ordinance

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Section 2.5 Aquifer Protection District Ordinance

(Adopted 1989)

2.5.1 AUTHORITY AND PURPOSE

Pursuant to RSA 674:16-21, the Town of Hampton hereby adopts an Aquifer Protection District Ordinance and accompanying regulations in order to protect, preserve and maintain existing and potential groundwater supplies and related groundwater recharge areas within known aquifers.

In the interest of the public health, safety and general welfare of the citizens, the purpose of this Ordinance is to protect, preserve and maintain existing and potential groundwater supply and recharge areas within the known aquifer from adverse development, land use practices or depletions.

The future growth and development of the Town, in accordance with the Master Plan, must assure the future availability of unpolluted public and private water supplies and encourage safe uses that can be appropriately and safely located in aquifer recharge areas.

2.5.2 DEFINITIONS

For the purpose of this Ordinance, the following terms shall have the meaning given herein:

- A. Animal Feedlot:** A commercial agricultural establishment consisting of confined feeding areas and related structures used for the raising of livestock for profit.
- B. Aquifer:** For the purpose of the Ordinance, aquifer means a geologic formation, group of formations, or part of a formation that is capable of yielding quantities of groundwater usable for municipal or private water supplies.
- C. Aquifer Protection District:** The direct recharge area of designated aquifers. The Aquifer Protection District is shown on an overlay to the ~~Official Zoning Map~~ of the Town.
- D. Direct Recharge Area:** The land area immediately over lying the aquifer. The boundary of the direct recharge area is the contact between the stratified drift and adjacent till or bedrock.
- E. Engineer:** A person licensed by the State of New Hampshire in accordance with NH RSA Chapter 310-A, Sections 2 - 27, as amended.

F. Groundwater: Water in the subsurface zone at or below the water table in which all pore spaces are filled with water.

G. Groundwater Recharge: The infiltration of precipitation through surface soil materials into groundwater. Recharge may also occur from surface waters, including lakes, streams and wetlands.

H. Impervious Surface: An impervious surface (otherwise referred to as “sealed surface” or “lot coverage”) is any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to roofs and, unless designed to effectively absorb or infiltrate water, decks, patios, and paved, gravel, or crushed stone driveways, parking area, and walkways.

H. I. Induced Infiltration: The process by which water in a stream or lake moves into an aquifer because of a hydraulic gradient from the surface water body toward a pumping well or wells.

I. J. Leachable Wastes: Waste materials, including solid wastes, sludge and agricultural wastes that are capable of releasing contaminants to the surrounding environment.

K. Low Impact Development: A design practice which mimics natural hydrology by reducing impervious surfaces and stormwater runoff, and by increasing groundwater recharge and pollutant removal.

J. L. Mining of Land: The removal of geological materials such as topsoil, sand and gravel, metallic ores, or bedrock to be crushed or used as building stone.

M. Sanitary Protective Radius: The 400-foot radius which exists around each of the public drinking water production wells in the Town of Hampton. As required by New Hampshire Department of Environmental Services Code of Administrative Rules Part Env-Dw 302, the area within the Sanitary Protective Radius shall be maintained in a natural state at all times.

K. N. Saturated Zone: The zone beneath the land surface in which all open spaces are filled with solid water.

L. O. Sludge: Residual materials produced by the sewage treatment process.

M. P. Solid Waste: Any discarded or abandoned materials including refuse, putrescible material, septage, or sludge, as defined by New Hampshire Solid Waste Rules He-P 1901.03. Solid waste includes solid, liquid, semi-solid or contain gaseous waste material resulting from residential, industrial, commercial, mining, and agricultural operations and from community activities.

N. Q. Stratified-Drift: Unconsolidated, sorted sediment composed of layers of sand and gravel deposited by meltwater from glaciers.

Q. R. Stratified-Drift Aquifers: Stratified-drift deposits that are capable of yielding usable amounts of water.

P. S. Structure: Anything constructed or erected, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground. For the purpose of this Ordinance, buildings are structures.

Q. T. Toxic or Hazardous Materials: Any substance or mixture of such physical, chemical, or infectious characteristics as to pose a significant, actual or potential hazard to water supplies, or other hazard to human health, if such substance or mixture were discharged to land or waters of this Town. Toxic or hazardous materials include, without limitation, volatile organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalies, and include products such as pesticides, herbicides, solvents and thinners, and such other

substances as defined in New Hampshire Department of Environmental Services Ground Water Protection Rules Part Env-Ws 410.05; in New Hampshire Solid Waste Rules Env-Wm 100 to 300 and 2100 to 3700, and in the code of Federal Regulations 40 CFR 261, as amended. The more restrictive shall apply.

Wastes such as, but not limited to, toxic or poisonous types flammable, reactive solvents, oils, or corrosive oil generated by the following commercial activities are presumed to be toxic or hazardous, unless and except to the extent that anyone engaging in such an activity can demonstrate the contrary to the satisfaction of the Planning Board:

- Airplane, boat and motor vehicle service and repair;
- Chemical and bacteriological laboratory operation;
- Dry cleaning;
- Electronic circuit manufacturing;
- Metal plating, finishing and polishing;
- Motor and machinery service and assembly;
- Painting, wood preserving and furniture stripping;
- Pesticide and herbicide application;
- Photograph processing;
- Printing

R. U. Unsaturated Zone: The subsurface zone above the water table. In this zone, open spaces are only partially filled with water.

2.5.3 AQUIFER PROTECTION DISTRICT BOUNDARIES

A. Locations: The Aquifer Protection Districts are defined as the areas shown on the overlay map entitled, "Aquifer Protection District", and is hereby adopted as part of the official Zoning Map of the Town of Hampton.

The Aquifer Protection District includes the areas delineated as direct recharge areas by Leggette, Brashears & Graham, Inc., consulting groundwater geologists for Aquarion Water Company of New Hampshire (formerly Hampton Water Works Co.) through a test well/boring program conducted during a period of 1901 to 1987. These areas have been further substantiated by the following sources: "Availability of Groundwater in the Piscataqua and other Coastal River Basins, Southeastern New Hampshire", John E. Cotton, USGS 1977. "Southeastern New Hampshire Water Resources Study - Groundwater Assessment Main Report", U.S. Army Corps of Engineers, New England Division, March 1981.

The Aquifer Protection District is a zoning overlay district which imposes additional requirements and restrictions to those of the underlying, base district zoning. In all cases the more restrictive requirements shall apply.

B. Recharge Areas: The district recharge area for the identified aquifer is considered to be co-terminus with the aquifer.

C. Incorrectly Designated Zones: When the actual boundary of the Aquifer Protection District is in dispute by any land owner or abutter actually affected by said boundary, the Planning Board, at the land owner/abutter's expense and request, may engage a professional geologist or hydrologist to prepare a report determining the proper location and extent of the aquifer and recharge area relative to the property in question. This report shall include but not be limited to:

1. A two foot interval topographic layout of the lot prepared by a registered land surveyor.
2. A high intensity soils map of the lot prepared by a soils scientist qualified in hydrologic studies including a written report of his their on-site field inspection and test boring data.
3. The aquifer boundary as shown on the Aquifer Protection District Map shall be overlaid on the plat and the newly proposed boundary location shall be indicated on the same plat by a broken line.
4. Any additional mapping, hydrogeologic reports or information which becomes available as a result of recent or on-going scientific investigation of the locations and extent of aquifers, performed by the U.S. Geological Survey, NH State agencies or boards, the Town of Hampton, or the Hampton Water Works Co. the Aquarion Water Company or its successor, or the agents of any of the above.
5. A review by the Aquarion Water Company or its successor, with a recommendation to be provided to the Planning Board.

The Planning Board may, based upon the findings of Section 2.5.3C 1-4 5 above, adjust the boundary or area designation of the Aquifer Protection Districts or reduce or expand the area so designated so as to more correctly define the location and extent of the aquifer on a site-specific, case-by-case basis.

2.5.4 USE REGULATIONS

A. Minimum Lot Size: The minimum lot size and area per dwelling unit within the Aquifer Protection District shall be one third (1/3) greater than the minimum required for the underlying district by Article 4.1 and 4.1.1., up to a maximum of 40,000 square feet. Lots of record (see

Article 1.6.19) as of the effective date of this Article shall not be nonconforming in terms of minimum lot size. (Amended 1991)

- B. Maximum Lot Coverage:** Within the Aquifer Protection District, no more than twenty-five percent (25%) of a lot used for residential purposes or sixty percent (60%) of a lot used for non-residential purposes, shall be rendered impervious to groundwater infiltration.
- C. Site Drainage:** All runoff from impervious surfaces shall be recharged on the site and diverted, to the extent possible, towards areas covered with vegetation for surface infiltration. This includes roof and foundation drains, if present. Low Impact Development practices, which are designed to mimic natural hydrology by reducing impervious surfaces and stormwater runoff and increasing groundwater recharge and pollutant removal, shall be used to the extent practicable unless the applicant can document infeasibility to the satisfaction of the Planning Board. Runoff shall be pretreated prior to infiltration. Pretreatment to the extent practicable shall be in accordance with Best Management Practices as recommended by NHDES. French drain designs, with or without overflow to Town storm drains, must be reviewed by the Public Works Department and approved by the Planning Board.
- D. Use of Deicing Chemicals:** There shall be minimal use of deicing chemicals on all public and private roads, and parking lots within this District, and those compounds used shall be free of sodium and chloride to the extent possible.
- E. Prohibited Uses:** The following uses shall not be permitted in the Aquifer Protection District:
1. Disposal of solid waste other than brush.
 2. All on site handling, disposal, storage, processing or recycling of hazardous or toxic materials. Bulk storage or toxic materials for resale or distribution is also prohibited.
 3. Disposal of liquid or leachable wastes, except from residential subsurface disposal systems, or State approved commercial or industrial systems which discharge human wastes only.
 4. Subsurface storage of petroleum and other refined petroleum products except as regulated by the New Hampshire Department of Environmental Services Underground Storage Facilities Rule (Env Wm 1401). The placement of residential tanks underground for the storage of petroleum and other refined petroleum products shall not be allowed unless in conformance with NH State guidelines applicable to commercial uses. All pre-existing, non-conforming subsurface storage of these products shall be registered with the Fire Department with proof of registration to be provided to the Building Department, the Conservation Commission, and the Aquarion Water Company or its successor. Where new residential storage tanks for petroleum or other refined petroleum products are permitted in basements, the tanks shall be lined. Additionally, interior floor drains shall not be connected unless such connection is permitted by the Department of Public Works with the lines extending to an approved drainage facility.
 5. Industrial uses which discharge contact type process waters on site. Non-contact cooling water is permitted.
 6. Outdoor unenclosed or uncovered storage of road salt and other deicing chemicals.
 7. Dumping of snow containing deicing chemicals brought from outside the Aquifer Protection District.
 8. Commercial animal feedlot where animals are kept.

9. Automotive service and repair shops, ~~junk and salvage yards~~ unless operated in accordance with NH State statutes, rules and regulations approving such use. ~~Junk and salvage yards as defined in RSA 236:112 are prohibited.~~

10. Injection wells that dispose of waste in the ground.

~~11. Any activity located within a 400-foot radius of a public drinking water production well, unless in conformance with the requirements of the New Hampshire Department of Environmental Services Code of Administrative Rules Part Env-Dw 302 regarding the Sanitary Protective Radius.~~

F. Conditional Uses: The following uses, if allowed in the underlying district, are permitted only after a Conditional Use Permit is granted by the Hampton Planning Board.

1. Industrial, manufacturing and commercial uses not otherwise prohibited in Section 2.5.4 E of this Article.

2. Multi-family residential development.

~~3. Residential subdivisions which create any additional building lots.~~

~~3. 4.~~ Sand and gravel excavation and other mining ~~is if~~ not carried out within eight (8) vertical feet of the seasonal high water table and ~~that if~~ all activities are conducted in compliance with RSA 155-E.

The Planning Board may grant a Conditional Use Permit for those uses listed above only after written findings of fact are made that all of the following are true:

1. The proposed use will not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants.

2. The proposed use will not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer.

3. The proposed use will discharge no waste water on site other than that typically discharged by domestic waste water disposal systems and will not involve on-site storage or disposal of toxic or hazardous wastes as herein defined.

4. The proposed use complies with all other applicable sections of this article.

~~5. The proposed use may include~~ ~~The Planning Board may attach~~ any reasonable conditions ~~attached to such permit by the Planning Board~~ ~~to such permit~~ regarding construction and operation.

~~6. Whenever a Conditional Use Permit is applied for under this section, the Planning Board shall notify the Aquarion Water Company of New Hampshire, or its successor of the public hearing in the same manner it notifies abutters.~~

~~6. 7.~~ ~~The proposed use~~ ~~The Planning Board~~ may ~~require that~~ ~~necessitate that~~ the applicant provide ~~the Planning Board~~ with data or reports prepared by a professional engineer qualified to assess any potential damage to the aquifer that may result from the proposed use. The Planning Board shall engage such professional assistance as it requires to adequately evaluate such reports and to evaluate, in general, the proposed use in light of the above criteria. Costs for the above mentioned services shall be charged to the applicant.

~~7. 8.~~ The proposed use may necessitate the installation of upgradient and downgradient monitoring wells under the direction of a New Hampshire certified professional hydrogeologist if the Planning Board, with the recommendation of Aquarion Water

Company, or its successor, determines such installation is necessary for groundwater protection. Installation shall be performed at the expense of the applicant.

Where the Hampton Planning Board grants a Conditional Use Permit, the property owner or occupant or condominium association / homeowners association, as applicable, shall file with the Planning Office a written statement prepared by a qualified professional engineer verifying that the property remains in compliance with all conditions of the Conditional Use Permit and all applicable requirements of this Aquifer Protection District Ordinance. The written statement shall be filed every two years, or upon or before any transfer of title. Failure to file the required written statement shall deem the property as non-compliant until said filing occurs.

G. Permitted Uses: The following uses are permitted provided they are conducted in accordance with the purposes and intent of this Ordinance:

1. Uses permitted in the underlying district per Article III of the Hampton Zoning Ordinance, except for uses listed as conditional uses in Section 2.5.4 F and uses prohibited in Section 2.5.4 E.

H. Non-Conforming Uses:

1. Any non-conforming use shall comply with Article 1.2 and 1.3 of the Hampton Zoning Ordinance, except that the time period for reestablishment after abandonment shall be limited to one year. However, when non-conforming uses involve a direct hazard to the aquifer or the introduction of foreign substances (such as oils, salts, chemicals, etc.) into the aquifer, these uses shall not continue and the Building Inspector shall issue an immediate cease and desist order to stop these offending activities or processes from continuing within the district.

2. Any non-conforming lot of record existing before the effective date of this article may be used in accordance with Section 2.5.4 B - G of this Article.

2.5.5 DESIGN AND OPERATIONS GUIDELINES

Except for single and two-family dwellings, the following design and operation guidelines shall be observed within the Aquifer Protection Districts:

- A. Safeguards.** Provisions shall be made to protect against toxic or hazardous materials discharge or loss resulting from corrosion, accidental damage, spillage, or vandalism through measures such as spill control provisions in the vicinity of chemical or fuel delivery points; secured storage areas for toxic or hazardous materials; and indoor storage provisions for corrodible or dissolvable materials. For operations which allow the evaporation of toxic or hazardous materials into the interiors of any structures, a closed vapor recovery system shall be provided for each such structure to prevent discharge of contaminated condensate into the groundwater.
- B. Inspection.** All conditional use permits granted under Section 2.5.4 F of this Article shall be subject to twice-annual inspections by the Building Inspector or other agent designated by the Selectmen. The purpose of these inspections is to insure continued compliance with the conditions under which approvals were granted. A fee for inspection shall be charged to the owner according to a fee schedule determined by the Selectmen.
- C. Location.** Where the premises are partially outside of the Aquifer Protection District Overlay Zone, potential pollution sources such as on-site waste disposal systems shall be located outside the Zone to the extent feasible.

2.5.6 ADMINISTRATION

A. **General.** The provisions of the Aquifer Protection District shall be administered by the Planning Board. All development proposals, other than single or two-family residential construction not involving the subdivision of land, shall be subject to subdivision and/or site plan review and approval in accordance with Planning Board rules and regulations. Such review and approval shall precede the issuance of any building permit by the Town.

B. **Additional Notification.** The Planning Board shall notify the Aquarion Water Company of New Hampshire, or its successor of any application requiring a public hearing in the same manner as it notifies abutters.

~~B. C.~~ **Enforcement.** Consistent with Article XXI, the Board of Selectmen or the Building Inspector shall be responsible for the enforcement of the provisions and conditions of the Aquifer Protection District.

2.5.7 EFFECTIVE DATE

This article shall become effective upon the date of passage.

ARTICLE #8
AMENDMENT #7

Hampton Zoning Ordinance Amendment
Article III – Use Regulations

~~Strikethrough~~ = Proposed Deletion
Underline = Proposed Addition
Highlighting = All Proposed Changes

ARTICLE III - USE REGULATIONS

Any use not specifically enumerated or defined in the following code is prohibited:

CODE

P – Permitted (Refer to Section 1.5. Permitted uses may require Site Plan, Subdivision, and/or Use Change approval by the Hampton Planning Board.)

X - Prohibited

S - Requires Special Exception from Hampton Zoning Board of Adjustment and Site Plan Review by the Hampton Planning Board (Amended 1985)

R - Permitted with Site Plan/Subdivision Review by Planning Board

B - Permitted by Building Inspector

NOTES

Note: (1) The Use Regulations set forth hereinafter for the BS Zoning District shall also apply to the BS1 Zoning District. (Adopted March 2015)

(2) See Article II, Sections 2.3.3 and 2.3.4 for the Wetlands Conservation District Use Regulations.

(3) See Article II, Section 2.5.4 for the Aquifer Protection District Use Regulations.

(4) See Article II, Section 2.7C for the Professional Office / Residential District Use Regulations.

(5) See Article II, Sections 2.8C, D, and E for the Town Center-Historic District Use Regulations.

(6) See Article II, Section 2.8F for the Town Center-South District and Town Center-North District Use Regulations.

(7) See Article XIX, Section 19.3 for the Transportation Corridor Overlay District Use Regulations.

ARTICLE #9
AMENDMENT #8

Hampton Zoning Ordinance Amendment

Article III – Use Regulations, New Section 3.48
Article XV – Elderly Housing Standards (Amend Section)

~~Strikethrough~~ = Proposed Deletion
Underline = Proposed Addition
Highlighting = All Proposed Changes

ARTICLE III - USE REGULATIONS

Proposed New Section 3.48

Table relocated from Article XV:

3.48 Elderly Housing, which includes Group Shared Residences, Supportive Agency-Sponsored Group Shared Residences, Congregate Housing, and Lifecare or Continuing Care Retirement Communities (as they are each defined in Section 1.6 – Definitions), or other elderly housing proposals that the Planning Board considers appropriate, after Public Hearing. (See Article XV for Elderly Housing Standards)

<u>RAA</u>	<u>RA</u>	<u>RB</u>	<u>RCS</u>	<u>B</u>	<u>BS</u>	<u>I</u>	<u>G</u>
<u>X</u>	<u>X</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>X</u>	<u>R</u>

ARTICLE XV - ELDERLY HOUSING STANDARDS

Section 15. ELDERLY HOUSING: Where permitted per Article III, Section 3.48 of this Ordinance, Elderly housing is subject to the approval of Site Plan Review and approval by the Planning Board and must conform, but not be limited to the following standards. in permitted Districts

RAA	RA	RB	RCS	B	BS	I	G
X	X	R	R	R	R	X	R

1. No Elderly Housing shall exceed the height requirement for the District in which it is proposed.
2. The required land area per dwelling unit shall equal that of the underlying district.
3. Any multi-storied building shall be subject to elevators. Elevator shafts shall be exempt from height requirements of the underlying zone.
4. Basement apartments/including any apartments with any portion of living space below grade level are prohibited.
5. Elderly housing shall comply with all Town and State Codes. In addition, State Building Code, NFPA (National Fire Protection Association) Life Safety Codes shall be followed as determined by the Town of Hampton Building Department and Fire Prevention Bureau.
6. Elderly housing shall provide a minimum indoor gathering area of twenty (20) square feet per dwelling unit, not to be less than four hundred (400) square feet per building. This area shall not include dining facilities.
7. Driveways and parking areas shall be located at least twenty-five (25) feet from the front of any building and at least ten (10) feet from the side or rear of any building.
8. All driveways, lighting and landscaping associated with such areas shall conform to construction specifications for new subdivision streets.
9. Parking configuration shall be as determined by the Planning Board. This determination shall take into consideration the type of Elderly Housing being presented.
10. A minimum open buffer zone of at least twenty-five (25) feet shall be preserved along all boundaries of the site. Natural woodlands shall be the preferred landscaping. In locations of no natural woodlands, the Planning Board shall approve the landscaping.
11. All building shall be located twenty (20) feet from the interior edge of the buffer zone.
12. Types of elderly housing permitted are: Group Shared Residence, Supportive Agency-Sponsored Group Shared Residence, Congregate Housing and Lifecare or Continuing Care Retirement Communities or other elderly housing proposals that the Planning Board considers appropriate, after Public Hearing.